The National Guard

Americans at their Best

Major Herman Reinhold

NGB Office of the Chief Counsel

PRIVACY ACT

PRIVACY IS A PERSONAL AND FUNDAMENTAL RIGHT PROTECTED BY THE CONSTITUTION OF THE UNITED STATES. PROTECTING INDIVIDUALS FROM UNWARRANTED INVASION OF THEIR PERSONAL PRIVACY IS THE OVERRIDING PURPOSE OF THE PRIVACY ACT OF 1974.

STATUTE AND REGULATONS

- TITLE 5, USC, SECTION 552a
- PUBLIC LAW 93-579
- DOD DIRECTIVE 5400.11-R
- AFI 33-332, AF PRIVACY ACT PROGRAM, 29 JANUARY 2004

RESPONSIBILITIES

- PROTECT PERSONAL PRIVACY
- SAFEGUARD RECORDS
- COLLECT, MAINTAIN, AND USE ONLY WHEN AUTHORIZED BY LAW OR EXECUTIVE ORDER
- COLLECT FROM SUBJECT OF THE RECORD

RESPONSIBILITIES

- ENSURE RECORD IS TIMELY, ACCURATE, RELEVANT AND COMPLETE
- ALLOW FOR INDIVIDUAL ACCESS, AMENDMENT, AND DISCLOSURE ACCOUNTING
- KEEP RECORD MINIMUM TIME REQUIRED

PRIVACY ACT STATEMENTS

- BELOW TITLE OF FORM
- REVERSE OF FORM WITH NOTE TO ALERT READER
- TEAR-OFF SHEET ATTACHED
- SEPARATE BLANKET FORM

PRIVACY ACT STATEMENTS

- **REQUIRED WHEN ASKING INDIVIDUAL FOR SSN**

- **REQUIRED WHEN COLLECTING PERSONAL INFORMATION FROM INDIVIDUAL FOR INCLUSION IN A SYSTEM OF RECORDS.**

PRIVACY ACT STATEMENTS FORMAT

- AUTHORITY (STATUTE OR EXEC ORDER)
- PURPOSE
- ROUTINE USES (DISCLOSURE OUTSIDE DOD)
- MANDATORY OR VOLUNTARY AND EFFECTS OF NOT PROVIDING

THIRD PARTY DISCLOSURES

GENERALLY, YOU WILL NOT DISCLOSE ANY PRIVACY ACT RECORD TO ANY PERSON OR AGENCY WITHOUT A ROUTINE USE.

- **HOWEVER, YOU MAY DISCLOSE INFORMATION FROM A SYSTEM OF RECORDS TO A THIRD PARTY WITH INDIVIDUAL'S WRITTEN PERMISSION.**

ROUTINE USE DISCLOSURES

DISCLOSURE OF RECORD TO A THIRD PARTY OUTSIDE THE AGENCY, WITHOUT THE CONSENT OF SUBJECT OF RECORD.

- **DISCLOSED ONLY IF DISCLOSURE IS COMPATIBLE WITH THE PURPOSE FOR WHICH INFORMATION WAS ORIGINALLY COLLECTED.**

SYSTEMS OF RECORDS

- GROUP OF RECORDS
- UNDER THE CONTROL OF THE AGENCY
- RETRIEVED BY NAME/PERSONAL IDENTIFIER (SSN)
- ALL THREE MUST BE IN EXISTENCE

SYSTEMS OF RECORDS FORMAT

- ROUTINE USES
- STORAGE
- RETRIEVABILITY
- SAFEGUARDS
- RETENTION AND DISPOSAL
- SYSTEM MANAGER AND ADDRESS
- NOTIFICATION PROCEDURE

SYSTEMS OF RECORDS FORMAT

- RECORD ACCESS PROCEDURES
- CONTESTING RECORD PROCEDURES
- RECORD SOURCE CATEGORIES
- EXEMPTIONS CLAIMED FOR THE SYSTEM

DISCLOSURE W/O CONSENT

- MAY DISCLOSE W/O CONSENT UNDER THE FOLLOWING CONDITIONS:
  - TO DOD EMPLOYEES WHO NEED THE RECORDS FOR OFFICIAL DUTIES
  - TO THE PUBLIC AS REQUIRED BY THE FOIA
  - TO THE BUREAU OF CENSUS
  - TO A RECIPIENT FOR STATISTICAL RESEARCH OR REPORTING

DISCLOSURE W/O CONSENT (CONT)

-TO THE NATIONAL ARCHIVES FOR HISTORICAL PURPOSES.

-TO A FEDERAL, STATE, OR LOCAL AGENCY OUTSIDE DOD FOR CIVIL OR CRIMINAL LAW ENFORCEMENT ACTIVITY AUTHORIZED BY LAW.

DISCLOSURE W/O CONSENT (CONT)

–TO AN INDIVIDUAL OR AGENCY UNDER COMPELLING CIRCUMSTANCES THAT AFFECT AN INDIVIDUAL'S HEALTH OR SAFETY

–TO EITHER HOUSE OF CONGRESS FOR MATTERS WITHIN THEIR JURISDICTION

DISCLOSURE W/O CONSENT (CONT)

- TO A CONGRESSIONAL OFFICE ACTING FOR A CONSTITUENT
- TO THE COMPTROLLER GENERAL FOR GAO BUSINESS
- TO A COURT (SIGNED BY JUDGE)
- TO A CONSUMER REPORTING AGENCY

WHAT'S RELEASABLE? PER AFI 33-332, CH 12.2

- NAME, RANK, GRADE, MOS, POSITION TITLE BASE PAY, SPECIAL PAY (NOT BAQ, OR VHA)
- GROSS SALARY FOR CIVILIANS
- PAST, PRESENT, AND FUTURE DUTY ASSIGNMENTS WITHIN US

WHAT'S RELEASABLE? PER AFI 33-332, CH 12.2 (CONT)

- OFFICE, UNIT ADDRESS, AND DUTY PHONE NUMBER
- DATE OF RANK
- ENTERED ON ACTIVE DUTY (EAD)
- PAY DATE
- SOURCE OF COMMISSION
- PROFESSIONAL MILITARY EDUCATION

WHAT'S RELEASABLE? PER AFI 33-332, CH 12.2 (CONT)

- PROMOTION SEQUENCE NUMBER
- MILITARY AWARDS AND DECORATIONS
- DUTY STATUS OF ACTIVE, RESERVE OR RETIRED
- ACTIVE DUTY OFFICIAL ATTENDANCE AT TECHNICAL, SCIENTIFIC, OR PROFESSIONAL MEETINGS
- BIOS/PHOTOS OF KEY PERSONNEL

WHAT'S *NOT* RELEASABLE W/O WRITTEN CONSENT SEE AFI 33-332, CH 12.1.3

- SOCIAL SECURITY NUMBERS (SSN)
- MARITAL STATUS
- NUMBER AND SEX OF DEPENDENTS
- GROSS SALARY OF MILITARY PERS
- CIVILIAN EDUCATION DEGREES & MAJOR AREAS OF STUDY
- HIGH SCHOOL/YEAR OF GRADUATION

WHAT'S *NOT* RELEASABLE W/O WRITTEN CONSENT SEE AFI 33-332, CH 12.1.3

- HOME OF RECORD
- HOME ADDRESS AND PHONE NUMBERS
- AGE AND DATE OF BIRTH
- PRESENT AND FUTURE ASSIGNMENTS FOR OVERSEAS DUTY
- OFFICE AND UNIT ADDRESS AND DUTY PHONE FOR OVERSEAS

DISCLOSING RECORDS TO THIRD PARTIES
SEE AFI 33-332, CHAPTER 12

12.1 DISCLOSURE CONSIDERATONS

12.1.1 SOCIAL ROSTERS

12.1.2 PERSONAL INFORMATION ON SHARED DRIVES

12.1.3 PERSONAL INFORMATION THAT REQUIRES PROTECTION

DISCLOSING RECORDS TO THIRD PARTIES
SEE AFI 33-332, CHAPTER 12

12.2 RELEASABLE INFORMATION

12.3 DISCLOSING OTHER INFORMATION

12.4 RULES FOR RELEASING PRIVACY ACT INFORMATION WITHOUT SUBJECT'S CONSENT

12.8 PRIVACY AND THE WEB

AIRFORCE FOIA WEBSITE

www.foia.af.mil

- **Select Resources**

- **Select Privacy Overview –contains "A Manager's Overview" – What You Need to Know About the Privacy Act (5 pgs)**

- **Select Privacy Briefing – In-depth review of the Privacy Act (38 pgs)**